

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MALIK DAWSON,

Petitioner,

v.

9:23-CV-0148
(GTS/MJK)

PATRICK REARDON, Superintendent,
Marcy Correctional Facility,

Respondent.

APPEARANCES:

MALIK DAWSON
Petitioner, *Pro Se*
617 Myrtle Avenue
Albany, New York 12208

HON. LETITIA A. JAMES
Attorney General for the State of New York
Counsel for Respondent
25 Liberty Street - 14th Floor
New York, New York 10005

GLENN T. SUDDABY, United States District Judge

OF COUNSEL:

ROBERT C. McIVER, ESQ.
Assistant Attorney General

Malik Dawson (“Petitioner”) filed his petition for a writ of *habeas corpus* pursuant to 28 U.S.C. § 2254 on February 3, 2023. (Dkt. No. 1.) By Report-Recommendation dated February 5, 2025, United States Magistrate Judge Mitchell J. Katz recommended that the Petition be denied and dismissed pursuant to 28 U.S.C. § 2253(c)(2), and that a certificate of appealability be denied. (Dkt. No. 19.) Petitioner has not filed an objection to the Report-Recommendation and the time in which to do so has expired. (*See generally* Docket Sheet.)

After carefully reviewing the relevant papers herein, including Magistrate Judge Katz’s

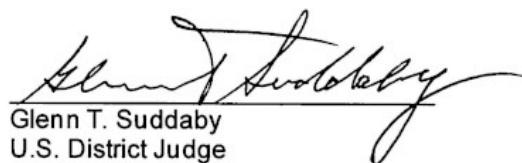
thorough Report-Recommendation, the Court can find no clear-error in the Report-Recommendation:¹ Magistrate Judge Katz employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, the Report-Recommendation is accepted and adopted in its entirety for the reasons set forth therein, Petitioner's Petition is denied and dismissed, and a Certificate of Appealability is denied.

ACCORDINGLY, it is

ORDERED that Magistrate Judge Katz's Report-Recommendation (Dkt. No. 19) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further
ORDERED that Petitioner's Petition for a Writ of *Habeas Corpus* (Dkt. No. 1) is **DISMISSED**; and it is further

ORDERED that the Court declines to issue a Certificate of Appealability because Petitioner has not made a "substantial showing of the denial of a constitutional right" pursuant to 28 U.S.C. § 2253(c)(2).

Dated: March 25, 2025
Syracuse, New York



Glenn T. Suddaby
U.S. District Judge

¹ When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a "clear error" review, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Id.*; see also *Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at *1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) ("I am permitted to adopt those sections of [a magistrate judge's] report to which no specific objection is made, so long as those sections are not facially erroneous.") (internal quotation marks omitted).